

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

Silent Communication, LLC

Plaintiff,

vs.

Blackberry Corporation,

Defendant

§
§
§
§
§
§
§
§
§
§

Civil Action No. 6:22-cv-00252-ADA

JURY TRIAL DEMANDED

AGREED SCHEDULING ORDER

Silent Communication, LLC (“Silent”) and Blackberry Corporation (“BlackBerry”) hereby provide the following proposed Scheduling Order in accordance with the Court’s September 16, 2022 Standing Order:

Deadline	Item
6/23/2022	Plaintiff serves preliminary infringement contentions in the form of a chart setting forth where in the accused product(s) each element of the asserted claim(s) are found. Plaintiff shall also identify the earliest priority date (<i>i.e.</i> the earliest date of invention) for each asserted claim and produce: (1) all documents evidencing conception and reduction to practice for each claimed invention, and (2) a copy of the file history for each patent in suit.
7/14/2022	The Parties shall submit an agreed Scheduling Order. If the parties cannot agree, the parties shall submit a separate Joint Motion for entry of Scheduling Order briefly setting forth their respective positions on items where they cannot agree. Absent agreement of the parties, the Plaintiff shall be responsible for the timely submission of this and other Joint filings.
7/21/2022	Deadline to file a motion for inter-district transfer. After this deadline, movants must seek leave of Court and show good cause for the delay.

8/18/2022	Defendant serves preliminary invalidity contentions in the form of (1) a chart setting forth where in the prior art references each element of the asserted claim(s) are found, (2) an identification of any limitations the Defendant contends are indefinite or lack written description under section 112, and (3) an identification of any claims the Defendant contends are directed to ineligible subject matter under section 101. Defendant shall also produce (1) all prior art referenced in the invalidity contentions, and (2) technical documents, including software where applicable, sufficient to show the operation of the accused product(s).
9/01/2022	Parties exchange claim terms for construction.
9/15/2022	Parties exchange proposed claim constructions.
10/7/2022	Plaintiff serves amended infringement contentions pursuant to the Court's 9/16/2022 Order
10/27/2022	Parties disclose extrinsic evidence. The parties shall disclose any extrinsic evidence, including the identity of any expert witness they may rely upon with respect to claim construction or indefiniteness. With respect to any expert identified, the parties shall identify the scope of the topics for the witness's expected testimony. With respect to items of extrinsic evidence, the parties shall identify each such item by production number or produce a copy of any such item if not previously produced.
11/3/2022	Deadline to meet and confer to narrow terms in dispute and exchange revised list of terms/constructions.
11/10/2022	Defendant files Opening claim construction brief, including any arguments that any claim terms are indefinite.
12/1/2022	Plaintiff files Responsive claim construction brief.
12/15/2022	Defendant files Reply claim construction brief.
12/15/2022	Parties to jointly email the law clerk (see OGP) to confirm their <i>Markman</i> date and to notify if any venue or jurisdictional motions are remain unripe for resolution.
1/5/2023	Plaintiff files a Sur-Reply claim construction brief.
1/5/2023	Parties submit optional technical tutorials to the Court and technical adviser (if appointed).

1/24/2023	Parties submit Joint Claim Construction Statement. <i>See</i> General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
1/31/2023	<i>Markman</i> Hearing at 9:00 a.m. This date is a placeholder, and the Court may adjust this date as the <i>Markman</i> hearing approaches.
2/1/2023	Fact Discovery opens; deadline to serve Initial Disclosures per Rule 26(a).
3/9/2023	Deadline to add parties.
3/23/2023	Deadline to serve Final Infringement and Invalidity Contentions. After this date, leave of Court is required for any amendment to infringement or invalidity contentions. This deadline does not relieve the parties of their obligation to seasonably amend if new information is identified after initial contentions.
3/17/2023	Deadline to amend pleadings. A motion is not required unless the amendment adds patents or patent claims. (Note: This includes amendments in response to a 12(c) motion.)
7/27/2023	Deadline for the first of two meet and confers to discuss significantly narrowing the number of claims asserted and prior art references at issue. Unless the parties agree to the narrowing, they are ordered to contact the Court's Law Clerk to arrange a teleconference with the Court to resolve the disputed issues.
9/15/2023	Close of Fact Discovery.
10/3/2023	Opening Expert Reports.
10/31/2023	Rebuttal Expert Reports.
11/21/2023	Close of Expert Discovery.

12/12/2023	Deadline for the second of two meet and confers to discuss narrowing the number of claims asserted and prior art references at issue to triable limits. To the extent it helps the parties determine these limits, the parties are encouraged to contact the Court's Law Clerk for an estimate of the amount of trial time anticipated per side. The parties shall file a Joint Report within 5 business days regarding the results of the meet and confer.
12/18/2023	Dispositive motion deadline and <i>Daubert</i> motion deadline. See General Issues Note #9 regarding providing copies of the briefing to the Court and the technical adviser (if appointed).
1/2/2024	Serve Pretrial Disclosures (jury instructions, exhibits lists, witness lists, discovery and deposition designations).
1/16/2024	Serve objections to pretrial disclosures/rebuttal disclosures.
1/25/2024	Serve objections to rebuttal disclosures; file Motions <i>in limine</i> .
2/1/2024	File Joint Pretrial Order and Pretrial Submissions (jury instructions, exhibits lists, witness lists, discovery and deposition designations); file oppositions to motions <i>in limine</i>
2/9/2024	File Notice of Request for Daily Transcript or Real Time Reporting. If a daily transcript or real time reporting of court proceedings is requested for trial, the party or parties making said request shall file a notice with the Court and e-mail the Court Reporter, Kristie Davis at kmdaviscsr@yahoo.com Deadline to meet and confer regarding remaining objections and disputes on motions <i>in limine</i> .
8 weeks before trial	Parties to jointly email the Court's law clerk to confirm pretrial and trial dates (see OGP) to confirm their pretrial conference and trial dates.
3 business days before Final Pretrial Conference	File joint notice identifying remaining objections to pretrial disclosures and disputes on motions <i>in limine</i> .
2/23/2024	Final Pretrial Conference.

3/11/2024	Jury Selection/Trial.
-----------	-----------------------

Dated: October 6, 2022

Respectfully submitted,

Ramey LLP

/s/William P. Ramey, III

William P. Ramey, III
Texas Bar No. 24027643
5020 Montrose Blvd., Suite 800
Houston, Texas 77006
(713) 426-3923 (telephone)
(832) 900-4941 (fax)
wramey@rameyfirm.com

Attorneys for Silent Communication, LLC

/s/ Kurt M. Pankratz

Kurt M. Pankratz
Texas Bar No. 24013291
Morgan Mayne
Texas Bar No. 24084387
BAKER BOTTS L.L.P.
2001 Ross Avenue, Suite 900
Dallas, Texas 75201
Telephone: (214) 953-6500
Facsimile: (214) 953-6503
kurt.pankratz@bakerbotts.com
morgan.mayne@bakerbotts.com

**ATTORNEYS FOR DEFENDANT
BLACKBERRY CORPORATION**

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above and foregoing document has been served on October 6, 2022, to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system.

/s/ William P. Ramey, III
William P. Ramey, III